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May 2, 2013

**VIA ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street SW  
Washington DC 20554

**Re: NOTICE OF EX-PARTE COMMUNICATION**

*In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications*, PS Docket No. 11-153; and *In the Matter of Framework for Next Generation 911 Deployment*, PS Docket No. 10-255; and WC Docket No. 12-97, WC Docket No. 04-36; WC Docket No 07-243; CC Docket No 95-116; CC Docket No. 01-92; WC Docket No. 10-90; CC Docket No. 99-200

Dear Ms. Dortch:

On Wednesday May 1, 2013, Bob Quinn, William Brown, Hank Hultquist, and I—all from AT&T Services, Inc. (AT&T)—met with David Goldman, Senior Legal Advisor for Commissioner Rosenworcel, to discuss the impending Text to 911 Order that addresses the requirement for automatic bounce-back messages where text-to-911 service is not available. Consistent with its voluntary commitment and publicly-filed comments in this proceeding, AT&T reiterated its support for this critical public safety functionality. However, we expressed AT&T's concerns that the Commission may be missing an opportunity to define the basic characteristics of the next-generation communication services (i.e. those that are replacements for POTS) to which limited, necessary regulations (such as those being contemplated in this proceeding) should apply. Consumers and services are transitioning towards IP-based communications on a daily basis, and the Commission must not miss these opportunities to work towards a framework for IP transition of the public switched telephone network, lest it continue to lag behind the natural evolution of the marketplace for these services.

In separate meetings also taking place Wednesday, Bob Quinn, William Brown, and I met with Courtney Reinhard, Legal Advisor to Commissioner Pai, and Louis Peraertz, Legal Advisor to Commissioner Clyburn, to discuss the same issues as discussed with Mr. Goldman, and a few additional issues regarding the text-to-911 proceeding.



Specifically, we discussed the mechanism by which end users can receive courtesy bounce-back messages when PSAPs determine that they are in overload status and need to temporarily suspend text-to-911 operations. AT&T argued that this functionality would be more efficiently provided by the PSAP itself since it has first-hand knowledge of its own resources and ability to handle any given volume of incoming text messages during emergency events. While the overload triggers may have worked in a single carrier/single PSAP trial, it will take significantly greater coordination to identify overload conditions and keep users informed about the status of the PSAP and the “received” status of their text messages in a multiple carrier/multiple thousand PSAP environment. If text messaging users are to receive *timely* feedback during overload conditions regarding the status of their text messages (and timely feedback is often more critical in emergency situations), the courtesy bounce-back message must be provided by a party with greater visibility as to the overall status of the PSAP and real-time volume of incoming text message traffic. In a multiple carrier environment, only the PSAPs (and their SSPs/Text Gateway Providers) will know the aggregate amount of text sessions reaching the PSAPs. This function cannot be provided in a timely fashion by multiple carriers that are all operating independently from each other and has not been accounted for in the interim ATIS/TIA joint industry standard.

Assigning this functionality to the carriers would require carriers either to design a complex automated process that would not effectively manage overload or to develop a manual process to temporarily disable text-to-911 service for the courtesy bounce back messages. It would be difficult to establish an automated process and coordinate this across multiple carriers and multiple vendors. And any manual process has the potential for significant errors and would not be scalable to 6000 PSAPs of various sizes and capabilities. Perhaps most importantly, implementing a manual process to address the individual capabilities of 6000 PSAPs could not be done in a timely enough fashion to address the temporary overload conditions that occur during emergency events.

We also inquired whether the Order would require updating handsets incapable of supporting three-digit short codes (i.e. 9-1-1, in this case). We informed Ms. Reinhard and Mr. Peraertz that this requirement would in all likelihood be very costly since not even the handset manufacturers can assess how many types and units of handsets are incapable of supporting three-digit short codes.<sup>1</sup>

Finally, Ms. Reinhard asked about the cost to deploy the bounce-back message and we offered the opinion that, although we weren’t in a position to quantify it, it would not be an insignificant cost even for a single carrier.

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<sup>1</sup> See, e.g., Comments of Motorola Mobility, PS Docket Nos. 11-153 and 10-255, at page 3 (filed January 29, 2013, available at <http://apps.fcc.gov/ecfs/document/view?id=7022114062>).



In accordance with the Commission's rules, this letter is being filed in the above referenced dockets via the FCC's Electronic Comments Filing System.

Should you have any questions regarding the above, please feel free to contact me directly.

Sincerely,

/s/ Joseph P. Marx  
Assistant Vice President, AT&T Services Inc

Cc (via e-mail):

Mr. David Goldman  
Ms. Courtney Reinhard  
Mr. Louis Peraertz